## REMARKS

By the present amendment, claims 18, 41 and 49 have been amended.

Claims 18-33 and 41-54 remain pending in the application. Claims 1-17 and 34-40 were previously canceled. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of claims 18, 19 and 22-29 Under 35 USC § 102(b)

The Examiner has rejected claims 18, 19 and 22-29 under 35 U.S.C. § 102(b), as being anticipated by Herrera, U.S. Patent No. 6,358,106. The Applicants believe this rejection has been addressed and overcome by the present amendment.

By the present amendment, the Applicants have amended claim 18 to recite:

> the midsection cover having a first contour defining a first volume between the midsection and the midsection cover;
>
> [...]
>
> an engine supported on the midsection;

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 18 as amended:

> a first silencer filling a majority of the first volume;

The Applicants submit that at least the above feature of claim 18 as amended is not taught by Herrera.

Referring to lines 46-48 of column 3 of Herrera,

> the weight of the powerhead 8 is supported by an exhaust housing assembly 26, which is in turn mounted to the swivel bracket 4 in a known manner.

It is apparent that the powerhead 8 of Herrera is supported on the exhaust housing assembly 26. The powerhead 8 of Herrera is not supported on the "space enclosed by the exposed surface of the film 52", and therefore this space cannot be considered a midsection

as claimed. Referring to Figure 5 of Herrera, it is apparent that the vibro-acoustic treatment 38 of Herrera is a sheet of uniform thickness applied to the inner surfaces of the port and starboard lower motor covers 22, 24 of Herrera. The vibro-acoustic treatment 38 of Herrera forms a layer that adheres to the inner surface of the respective motor cover, and as such follows the shape of the port and starboard lower motor covers of Herrera. Referring to Figures 1, 2 and 4 of Herrera, it is apparent that the port and starboard lower motor covers 22, 24 of Herrera curve away from the exhaust housing assembly 26. Therefore, the vibro-acoustic treatment 38 of Herrera does not fill "a majority of the first volume" as claimed, i.e. a majority of the volume between the midsection and the midsection cover.

Therefore, at least one feature of claim 18 as amended is not taught by Herrera. As such, the Examiner is requested to withdraw his rejection of claim 18 and claims 19 and 22-29 depending therefrom.

In regard to Rejection of claims 41-47 Under 35 USC § 102(b)

The Examiner has rejected claims 41-47 under 35 U.S.C. § 102(b), as being anticipated by Herrera. The Applicants believe this rejection has been addressed and overcome by the present amendment.

By the present amendment, claim 41 has been amended to recite:

> a cover disposed about the engine and enclosing a volume therebetween, an inner surface of the cover and an outer surface of the engine together defining a shape of the volume

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 41 as amended:

> a vibro-acoustic treatment disposed within the volume and shaped to substantially match the shape of the volume

The Applicants submit that at least the above feature of claim 41 as amended is not taught by Herrera.

Referring to lines 65-5 of columns 3-4 of Herrera,

> In accordance with the preferred embodiment of the invention, the inner surfaces of the port lower motor cover part 22 are

> blanketed with a vibro-acoustic treatment 38, as shown in FIG. 5, and the inner surfaces of the starboard lower motor cover part are blanketed with a similar vibro-acoustic treatment (not shown). In addition, the inner surfaces of the upper motor cover are also blanketed with a vibro-acoustic treatment.

Referring also to lines 17-23 of column 4 of Herrera,

> The structure of the vibro-acoustic composite material in accordance with the preferred embodiment of the invention is depicted in FIG. 6. The composite material comprises a sheet of moldable acoustic barrier-like material 44 adhered to an inner surface of a motor cover or motor cover part 46 by means of a layer of visco-elastic pressure-sensitive adhesive material 48.

It is apparent that the vibro-acoustic treatment 38 of Herrera is a sheet of uniform thickness applied to the inner surfaces of the upper motor cover 14 of Herrera. The vibro-acoustic treatment 38 of Herrera forms a layer that adheres to the inner surface of the upper motor cover 14, and as such follows the shape of the upper motor cover 14 of Herrera. Therefore, the vibro-acoustic treatment 38 of Herrera does not have a shape that substantially matches the shape of the volume defined by the upper motor cover 14 of Herrera and the powerhead 8 of Herrera. Therefore, the vibro-acoustic treatment 38 applied to the inner surface of the upper motor cover 14 of Herrera is not "shaped to substantially match the shape of the volume" as claimed, i.e. the shape of the volume defined by the cover and the engine.

Therefore, at least one feature of claim 41 as amended is not taught by Herrera. As such, the Examiner is requested to withdraw his rejection of claim 41 and claims 42-47 depending therefrom.

<u>In regard to Rejection of claims 49-51 and 53 Under 35 USC § 102(b)</u>

The Examiner has rejected claims 49-51 and 53 under 35 U.S.C. § 102(b), as being anticipated by Herrera. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

Claim 49 as amended recites:

> a midsection supporting the engine;
>
> [...]

> an inner contour of the lower motor cover and an outer contour of the midsection together defining a shape of the volume;

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 49 as amended:

> a shaped lower silencer having a shape that substantially matches the shape of the volume,

The Applicants submit that at least the above feature of claim 49 as amended is not taught by Herrera.

As discussed above with respect to claims 18, 19 and 22-29, the inner surface of the lower motor covers 22, 24 of Herrera cannot be considered a midsection as claimed, because these components of Herrera do not support the powerhead 8.

Referring now to lines 65-5 of columns 3-4 of Herrera,

> In accordance with the preferred embodiment of the invention, the inner surfaces of the port lower motor cover part 22 are blanketed with a vibro-acoustic treatment 38, as shown in FIG. 5, and the inner surfaces of the starboard lower motor cover part are blanketed with a similar vibro-acoustic treatment (not shown). In addition, the inner surfaces of the upper motor cover are also blanketed with a vibro-acoustic treatment.

Referring also to lines 17-23 of column 4 of Herrera,

> The structure of the vibro-acoustic composite material in accordance with the preferred embodiment of the invention is depicted in FIG. 6. The composite material comprises a sheet of moldable acoustic barrier-like material 44 adhered to an inner surface of a motor cover or motor cover part 46 by means of a layer of visco-elastic pressure-sensitive adhesive material 48.

Referring also to Figure 5 of Herrera, it is apparent that the vibro-acoustic treatment 38 of Herrera is a sheet of uniform thickness applied to the inner surfaces of the port and starboard lower motor covers of Herrera. The vibro-acoustic treatment 38 of Herrera forms a layer that adheres to the inner surface of the respective motor cover, and as such follows the shape of the lower motor covers of Herrera. Therefore, the vibro-acoustic treatment 38 of Herrera does not have a shape that substantially matches the shape of the volume defined by the lower motor cover of Herrera and the midsection of the propulsion unit of Herrera.

Therefore, the vibro-acoustic treatment 38 applied to the inner surface of the motor covers of Herrera does not have "a shape that substantially matches a shape of the volume" as claimed, i.e. the shape of the volume defined by the lower motor cover and the midsection.

Therefore, at least one feature of claim 49 is not taught by Herrera. As such, the Examiner is requested to withdraw his rejection of claim 49 and claims 50, 51 and 53 depending therefrom.

In regard to Rejection of claims 20, 21, 30-33, 48, 52 and 54 Under 35 USC § 103(a)

The Examiner has rejected claims 20, 21, 30-33, 48, 52 and 54 under 35 U.S.C. § 103(a), as being unpatentable over Herrera. The Applicants believe this rejection has been addressed and overcome by the present amendment.

Claims 20, 21 and 30-33 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claims 18, 19 and 22-29 and for the additional features recited therein.

Claim 48 recites additional features of the invention and is therefore believed to be allowable for the same reasons recited above with respect to claims 41-47 and for the additional features recited therein.

Claims 52 and 54 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claims 49-51 and 53 and for the additional features recited therein.

As such, the Examiner is requested to withdraw his rejection of claims 20, 21, 30-33, 48, 52 and 54.

Support for Amendments

By the present amendment, claim 18 has been amended to recite "an engine supported on the midsection", and claim 49 has been amended to recite "a midsection supporting the engine". These amendments are believed to be supported by the following portion of paragraph [0029] of the application as filed:

> Engine 12 is housed generally in a powerhead 18 and is supported on a midsection 20 configured for mounting on a transom 22 of a boat 24 in a known conventional manner.

By the present amendment, claim 41 has been amended to recite "an inner surface of the cover and an outer surface of the engine together defining a shape of the volume". This amendment is believed to be supported by Figures 5 and 7 and paragraph [0036] of the application as filed.

By the present amendment, claim 49 has been amended to recite "an inner contour of the lower motor cover and an outer contour of the midsection together defining a shape of the volume". This amendment is believed to be supported by Figures 3, 4 and 7 and paragraph [0037] of the application as filed.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, no fees were believed to be necessary. In case any fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

/ Jonathan David Cutler /

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